

HE 33

Y Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol

Communities, Equality and Local Government Committee

Bil yr Amgylchedd Hanesyddol (Cymru)/Historic Environment (Wales) Bill

Ymateb gan: Cyngor Gwynedd

Response from: Gwynedd Council

Gwynedd Council's response to the consultation on the terms of reference of the Historic Environment (Wales) Bill referred to below, follow in points 1 to 15.

Terms of reference

The terms of reference for the Committee's inquiry are:

To consider—

- the general principles of the Historic Environment (Wales) Bill and the need for legislation with the aim of:
- giving more effective protection to listed buildings and scheduled monuments;
- enhancing existing mechanisms for the sustainable management of the historic environment;
- introducing greater transparency and accountability into decisions taken on the historic environment.
- any potential barriers to the implementation of the Bill's provisions and whether the Bill takes account of them,
- whether there are any unintended consequences arising from the Bill,
- the financial implications of the Bill (as set out in Part 2 of the Explanatory Memorandum),
- the appropriateness of the powers in the Bill for Welsh Ministers to make subordinate legislation (as set out in Chapter 5 of Part 1 of the Explanatory Memorandum).

Introduction

1. In principle the contents of the Bill is to be welcomed from a more up to date legislative perspective and stronger guidance in order for the Conservation area to be more clear and precise. The current legislation and Circulars are still relevant but are in need of up dating. Some elements of the new Bill will safeguard protection for the Historic Environment that is currently weak and lacking.

The general principles of the Historic Environment (Wales) Bill and the need for Legislation with the aim of-

- giving more effective protection to listed buildings and scheduled monuments;

2. It is considered at present the current legislation is quite effective, but is not strong enough without enough protection for listed building or scheduled monuments. The existing circulars, particularly 61/96 which is relevant to the Local Planning Authority and the Conservation Unit is extremely useful but is 20 years old now and in need of updating. It is felt that most the Circular's contents are still useful but requires more backbone.
3. It is not considered that much change will occur from the new consultation system of the Welsh Ministers with listing buildings as they already carry out this system as good practice since 2005. However, it is considered that the addition of an interim protection period on buildings whilst their listing is being considered is a good addition that would give them protection as if they were listed. This addition is to be welcomed.
4. The proposal to create a statutory register of parks and historical gardens is a good addition in principle so that all parks and gardens are registered as opposed to the existing register where owners can refuse to be included. We as a Local Planning Authority already consult on all planning applications effecting parks and gardens with the Welsh Ministers and the relevant amenity bodies, therefore it is not considered much change would occur with this provision.
5. The proposal to extend the scope of urgent works to occupied and unoccupied buildings and the recovery of costs as a local land charge is an addition that is welcomed which would mean more opportunities to serve a notice on occupied buildings in stead of just unoccupied buildings. This notice is at present frustrating due to the nature of the building where we cannot serve a notice, but this new provision would change this which would mean more protection to buildings under risk.
6. As the Local Planning Authority we deal with a lot of instances where unauthorised works are carried out on listed buildings and usually a conversation between an officer and owner ceases this work, but there is no formal notice to support this. The proposal therefore to introduce temporary stop notices is a strong provision which would mean the ability to protect buildings but also as a deterrent for offenders, primarily as it is effective immediately.

The general principles of the Historic Environment (Wales) Bill and the need for

Legislation with the aim of:

- enhancing existing mechanisms for the sustainable management of the historic environment;
7. At present the historic environment records are run from the Welsh Archaeological Trusts. It is considered that this procedure is very effective as the nature of these records is within the archaeological field and the service the Trusts deliver is informative, detailed and open to everyone. The proposal to re-locate this register within the Local Planning Authority is rather confusing, as it is not considered the Planning Authority is the correct location. The historic environment record is not relevant to the day to day work of the planning Service and it is considered it would be re-located elsewhere.
 8. Another matter to consider is the cost of re-locating this provision. Welsh Councils are facing significant cuts in the intervening years and should the historic environment records be re-located within the Planning Authorities, it is not considered that the record would be prioritised from a planning perspective and the resources are not readily available to provide an effective Service.
 9. The proposal to introduce heritage partnership agreements are to be welcomed in principle, where it will facilitate the consent system with large estates. But as they are voluntary agreements, there are no obligations for owners to enter into such agreements.
 10. The Local Planning Authority does not receive applications for certificates of immunity from listing very often. Within the last 3 years none have been submitted and therefore it is not considered that much change would occur from the relaxation of this condition.

The general principles of the Historic Environment (Wales) Bill and the need for legislation with the aim of:

- introducing greater transparency and accountability into decisions taken on the historic environment.

11. The proposal to establish an advisory panel for the Welsh historic environment is acceptable in principle, but to what purpose would the panel serve? If it were a panel that would offer advice to all heritage area's and open to everyone, it could be very useful. It is considered that the procedures for dealing with applications for listed building consent is already transparent in terms of the role of the Local Planning Authority, but that that same transparency is not the case in terms of the applications that have the input of Cadw.

The general principles of the Historic Environment (Wales) Bill and the need for legislation with the aim of:

- any potential barriers to the implementation of the Bill's provisions and whether the Bill takes account of them:
12. It is considered that the main barriers with this Bill primarily is resources. A lot of the principles in terms of being fully verified will be in need of resources within the Local Planning Authority. In this current economic climate, it is considered that this lack of resources and the need to prioritise resourcing will be a significant barrier.

The general principles of the Historic Environment (Wales) Bill and the need for Legislation with the aim of:

- whether there are any unintended consequences arising from the Bill,
13. Apart from the resources elements on the Bill, it is not considered that there are any other consequences arising from the Bill.

The general principles of the Historic Environment (Wales) Bill and the need for legislation with the aim of:

- the financial implications of the Bill (as set out in Part 2 of the Explanatory Memorandum)

14. The explanatory memorandum explores many different options in terms of the costing of the Bill. Many of the provisions that are proposed could have resources implications to the Council. It is considered that the main cost would be the re-location of the historic environment records as it would mean training an officer within the nature of the work and to record all the information.

The general principles of the Historic Environment (Wales) Bill and the need for Legislation with the aim of:

- the appropriateness of the powers in the Bill for Welsh Ministers to make subordinate legislation (as set out in Chapter 5 of Part 1 of the Explanatory Memorandum).

15. It is not considered that the powers of the Bill to create subordinate legislation is a concern and there are no specific comments at present.